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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,099	06/26/2003	Vutukuru Lakshmi Narasimha Murthy	120331-1	1098

23413 7590 10/25/2005

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EXAMINER
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BOYKIN, TERRESSA M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,099

Applicant(s)

MURTHY ET AL.

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-26 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-26-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**Response to Applicants Arguments**

Applicant's arguments filed 8-18-05 have been fully considered but they are not persuasive. Although the Examiner fully agrees with applicants arguments with regard to claims 12-26 it is noted that applicants method claims 1 etc. remain so broadly defined that as written they remain anticipated by the prior art of record while remaining within the scope of the specification of the reference. Note also that the specification of the reference as a whole does not limit the recovered alkyl aryl ether to only between 10-30%. Since the disclosed amounts of the alkyl aryl ether are expressed differently through the specification, i.e. % by weight etc., and thus may be distinct from those claimed, it is incumbent upon applicant(s) to establish that they are in fact different and whether such difference is unobvious.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1- 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09 059225 see abstract, and translation provided pages 2-6, claim 1.**

Applicants' claims are directed to a method for continuously producing an alkyl aryl ether comprising: reacting a dialkyl carbonate and an aromatic alcohol in the presence of a transesterification catalyst in a first reactive distillation column; recovering from

said first reactive distillation column a stream comprising said dialkyl carbonate, said alkyl alcohol and said alkyl aryl ether; separating said alkyl aryl ether in said stream from said dialkyl carbonate and alkyl alcohol in a rectification column; and recovering from said rectification column a product stream comprising substantially pure said alkyl aryl ether and variations thereof.

The reference discloses a method for continuously producing a diarylcarbonate in high reaction yield, selectivity and energy efficiency. Particularly the reference discloses a method for continuously producing a diaryl carbonate comprises reacting a diarylcarbonate with an aromatic hydroxy compound in the presence of a catalyst by the use of two reaction distillation towers, and subsequently producing the diarylcarbonate from the obtained alkylarylcarbonate. Therein, the by-produced aliphatic alcohol, the alkylarylether and the unreacted dialkylcarbonate are together distilled out from the tip of the first reaction distillation tower, charged into a distillation tower having an intermediate fraction-discharging stage, finely distilled, and subsequently subjected to the discharge of an intermediate fraction consisting mainly of the dialkylcarbonate from the intermediate fraction-discharging stage. The discharged intermediate fraction is charged into the first reaction distillation tower for its reutilization.

With regard to applicants' claims 2 – 3, note claim 1 of the translated reference.

With regard to applicants' claims 4, 5 and 8, note page 15 paragraph [0024] of the translated reference.

With regard to applicants' claims 6, 7, and 9, note page 15 paragraph [0024] of the translated reference.

With regard to applicants' claim 11 note page 14 paragraph and [0023] respectively of the translated reference.

Thus, the reference discloses alkyl aryl ether continuously prepared from the same components as claimed by applicants while utilizing a co production of the alkyl aryl ether with a diaryl carbonate. Thus, in view of the above, there appears to be no significant difference between the reference and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Correspondence**

Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
Examiner Terressa Boykin

TERRESSA M. BOYKIN  
PRIMARY EXAMINER

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